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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,826	12/02/2003	John B. Amundson	H0005444-9950 (1161.11401)	3578
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128	7590	03/13/2006	EXAMINER	
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KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,826

Applicant(s)

AMUNDSON ET AL.

Examiner

Charles R. Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 06 February 2006.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-40 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 02 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/2/03.
- Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- Notice of Informal Patent Application (PTO-152)
- Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/6/06 have been fully considered but they are not persuasive. The Office reasserts that Smith does disclose initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule (col. 15, lines 21-27; col. 39, lines 20-27; col. 40, lines 58-67). The Office interprets "status" information as read-only data that relates to scheduled parameters, such as scheduled temperature set point parameters (col. 39, lines 20-27). As noted in the previous Office action, initiating and exiting the schedule review mode is implicitly taught by Smith. It is argued that such a review mode inherently exists when Smith's invention allows for the ability to review schedule parameters. Also, inherently disclosed is initiating and exiting the review mode. Although the Examiner asserts that an initiating/exiting review mode exists while the controller is on, it can further be argued that even turning on/off the controller is equivalent to initiating/exiting a review mode.

Smith discloses the step of initiating the schedule review mode occurring prior to the step of initiating the editing mode. Smith allows for user monitoring and user schedule editing (col. 9, lines 37-59 and col. 12, lines 23-36). Smith teaches first reviewing a schedule parameter (col. 39, lines 20-27) and then modifying a schedule parameter (col. 40, lines 19-38). The Office asserts that Smith discloses the reviewing and editing modes to be separate.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. U.S. Patent 6,192,282. Regarding claims 1 and 40, Smith discloses a method of accessing a schedule on a controller (col. 12, lines 23-40) coupled to a user interface, comprising the steps of: initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule (col. 27, lines 15-27); displaying one or more schedule parameters for at least one period on the user interface (col. 7 and 8, lines 67 and 1-7); and exiting the schedule review mode (Fig. 2A). The Office interprets exiting modes as being implicitly taught by Smith. For example turning off the controller would be “exiting the schedule review mode”.

Regarding claims 2-5, 13-16, and 26-29, Smith discloses the method of claim 1, further comprising the steps of: initiating an editing mode within the controller; and modifying at least one schedule parameter of the schedule (col. 18, lines 10-27). Smith discloses the method of claim 2, wherein the step of initiating the schedule review mode occurs prior to the step of initiating the editing mode (col. 18, lines 10-27). Smith discloses the method of claim 1, wherein said at least one period includes a wake period, leave period, return period, and sleep period (col. 29, lines 9-30). Smith discloses the method of claim 1, wherein said one or more schedule parameters is selected from the group consisting of an event time parameter (col. 12, lines 23-

27), a heat set point parameter, a cool set point parameter, a fan mode parameter, and a humidity level parameter (col. 28, lines 11-14).

Regarding claims 6-8, 17-19, and 30-32, Smith discloses the method of claim 1, wherein the user interface comprises a touch screen, display panel and keypad, and a menu-driven interface (col. 8, lines 14-18). Regarding claims 9-12, 20-23, and 33, Smith discloses the method of claim 1, wherein said schedule is a heating, cooling, or venting schedule, and the controller is a HVAC controller (col. 8, lines 62-66). Regarding claims 24 and 38, Smith discloses the method of claim 13, wherein said one or more schedule parameters are unmodifiable in the schedule review mode (col. 27, lines 15-27).

Regarding claims 25 and 39, Smith discloses a programmable controller for use in controlling a system, the controller comprising: a user interface (col. 8, lines 14-18); and a processor configured to run a scheduling routine for modifying a schedule, the scheduling routine including a separate schedule review mode and editing mode (col. 18, lines 10-27); wherein the schedule review mode is configured to permit the user to display one or more schedule parameters on the user interface without allowing the user to modify at least one of the schedule parameters without first initiating the editing mode (col. 27, lines 15-27). Regarding claims 34-37, Smith discloses the controller of claim 25, wherein said system is a security, lighting, sprinkler, or A/V system (col. 8, lines 25-32).

#### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

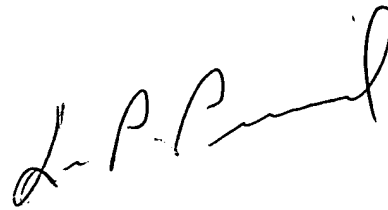
CK

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March 6, 2006

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A handwritten signature in black ink, appearing to read "L. Picard". The signature is written in a cursive style with a large, looping initial "L" and a long, sweeping underline.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**